

**UNITED STATES DISTRICT COURT**  
**for**  
**EASTERN DISTRICT OF NORTH CAROLINA**  
**SOUTHERN DIVISION**

**U.S.A. vs. Arjay Orlando Brown**

**Docket No. 7:07-CR-22-1F**

**Petition for Action on Supervised Release**

COMES NOW Pamela O. Thornton, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Arjay Orlando Brown, who, upon an earlier plea of guilty to Conspiracy to Possess With Intent to Distribute More than 5 Grams of Cocaine Base, 21 U.S.C. §§ 841(a)(1) and 846, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on January 22, 2008, to the custody of the Bureau of Prisons for a term of 108 months. On June 6, 2012, pursuant to 18 U.S.C. § 3582(c)(2), a motion to reduce the original imprisonment sentence from 108 months to 86 months was granted. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall participate in a vocational training program as may be directed by the probation office.
4. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
5. The defendant shall forfeit to the United States the Defendant's interest in the property specified in the preliminary Order of Forfeiture entered on January 22, 2008 at DE#59.
6. The defendant shall pay a \$100 special assessment.

Arjay Orlando Brown was released from custody on April 8, 2013, at which time the term of supervised release commenced.

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On June 14, 2013, the court was apprised the releasee had used marijuana on June 10, 2013, and modified the releasee's conditions to include a cognitive behavioral program. The releasee was also referred to an outpatient substance abuse treatment program.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

The releasee submitted urine screens per the surprise urinalysis program on June 28, July 8, and July 12, 2013, which revealed positive results for marijuana. On July 29, the releasee was questioned regarding his continued use of marijuana. He stated he had been trying to quit, but that it was hard. He stated he had "slipped a couple times", noting he last smoked marijuana on July 22, 2013. He stated that his inability to obtain full time employment has caused him undue stress. He is currently living with his parents and working part time at a barber shop. He informed this probation officer he is in the process of registering with Cape Fear Community College to take cosmetology classes in the Fall.

The releasee was admonished for his behavior and informed that future drug use would not be tolerated. He has been participating in outpatient substance abuse treatment at Coastal Horizons Treatment Center and recently began attending the Moral Reconation Therapy group (CBT class) at the U.S. Probation Office. As a sanction for his behavior it is recommended that the releasee's conditions be modified to include a weekend in jail.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

The defendant shall be confined in the custody of the Bureau of Prisons from 6:00 p.m. on Friday until 6:00 p.m. on Sunday for 1 weekend and shall abide by all the rules and regulations of the designated facility.

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Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Pamela O. Thornton  
Pamela O. Thornton  
Senior U.S. Probation Officer  
2 Princess Street, Suite 308  
Wilmington, NC 28401-3958  
Phone: 910-815-4857  
Executed On: July 29, 2013

**ORDER OF COURT**

Considered and ordered this 30<sup>th</sup> day of July, 2013, and ordered filed and made a part of the records in the above case.

James C. Fox  
James C. Fox  
Senior U.S. District Judge